

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOIRA WILSON,

Plaintiff,

-against-

NANCY CASSARO,
CHRISTOPHER FRACCHIOLLA,
LARRY PELLIGRINI, JAMES ALTUNER,
MARK CAMPBELL, JACK FRIS,
ARTIFICIAL INTELLIGENCE,
ARTIFICIAL INTELLIGENCE INC.,
GREENWICH STREET PRODUCTIONS, LLC,
AGENCY FOR THE PERFORMING ARTS, INC.,

Defendants.
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ORDER

05 Civ. 3799 (AKH)


ALVIN K. HELLERSTEIN, U.S.D.J.:

I raised sua sponte issues of jurisdiction and indispensable parties, to which plaintiffs and defendants responded in memoranda of law. Having read their submissions, I hold that the court has subject matter jurisdiction over the claims because they arise under the Copyright Act. 28 U.S.C. § 1338(a) (2000). A claim for relief arises under the Copyright Act if the complaint seeks “a remedy expressly granted by the Act, . . . or asserts a claim requiring construction of the Act, . . . or at the very least . . . , presents a case where a distinctive policy of the Act requires that federal principles control the disposition of the claim.” T.B. Harms v. Eliscu, 339 F.2d 823, 828 (2d Cir. 1964). Here, the complaint will require me to interpret and apply the Copyright Act.

The oral argument scheduled for November 14, 2005 is therefore adjourned. The parties shall appear in Courtroom 14D on December 2, 2005 at 9:30 am for a status conference. The parties shall complete a case management plan to govern their pre-trial proceedings, and submit same at the conference.

SO ORDERED.

Dated: New York, New York
November 8, 2005



ALVIN K. HELLERSTEIN
United States District Judge